

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office APR 02 1999

Returned to applicant for correction _____

Corrected application filed _____

Map filed APR 28 1999

The applicant Bright-Holland Corporation, a Nevada Corporation, hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **Smoke Creek**
2. The amount of water applied for is 25 cfs second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for irrigation purposes
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated 1200 acres
 - (b) Stockwater, state number and kinds of animals to be watered
 - (c) Other use (describe fully under No. 12. "Remarks")
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, T.31N., R.19E., M.D.B.&M. or at a point from which the SW corner of said Section 32 bears S. 85° 51' 25" W., a distance of 2,150.16 ft.
6. Place of Use NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 5; NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4; NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3; W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2; N $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10; N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11; all in T.30N., R.19E., M.D.B.&M.; S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 32, T.31N., R.19E., M.D.B.&M.
7. Use will begin about January 1 and end about December 31 of each year.
8. Description of proposed works Diversion Dam & Ditches
9. Estimated cost of works \$60,000
10. Estimated time required to construct works Three (3) years
11. Estimated time required to complete the application of water to beneficial use Five (5) years
12. Remarks: Water will be stored in Smoke Creek Dam, located in California and released downstream. Water will then be diverted through diversion structures and ditches to irrigate 1200 acres within the proposed place of use. Reference is made to Application 6096 filed in

65002

1920 by the Nevada & California Land & Livestock Company as precedence for filing this appropriation.

Gregory M. Bilyeu
By s/Gregory M. Bilyeu
P.O. Box 70458
Reno, Nevada 89570-0458

Compared gkl/cms ag/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Vested Claims 09120, 09121, and Permit 65002 shall not exceed 4800 acre-feet annually, for irrigation of 1200 acres within the describer place of use.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

For the 14 years of record for United States Geological Survey gaging station number 10353800, Smoke Creek Below Reservoir Near Smoke Creek, Nevada, the annual median flow volume is approximately 4,500 acre-feet. Although this permit is issued for 4,800 acre-feet, on any given year, there's a 50% chance that 4,800 acre-feet may not flow past the gaging station and to the described place of use.

(CONTINUED ON PAGE 3)

(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 15.0 cubic feet per second, but not to exceed 4800 acre-feet annually, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

February 3, 2006

Proof of completion of work shall be filed on or before:

March 3, 2006

Water must be placed to beneficial use on or before:

February 3, 2009

Proof of the application of water to beneficial use shall be filed on or before:

March 3, 2009

Map in support of proof of beneficial use shall be filed on or before:

March 3, 2009

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 3rd day of February, A.D. 2004


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____